

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

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TODD BANK, *on behalf of himself*
and all others similarly situated,

Plaintiff,

No.: 1:18-cv-01311

-against-

NOTICE OF MOTION

CREDITGUARD OF AMERICA, INC.,
FREEDOM DEBT RELIEF, LLC,
FREEDOM FINANCIAL NETWORK LLC, and
FREEDOM FINANCIAL NETWORK FUNDING, LLC,

Defendants.

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PLEASE TAKE NOTICE that, upon the Memorandum of Law of CreditGuard of America, Inc., the Declaration of Neil Asnen, dated May 6, 2019, and the exhibit(s) attached thereto, including the Declaration of Sean Moynihan, dated June 26, 2018 and the exhibit(s) attached thereto, the Declaration of Neil Asnen, dated June 26, 2018 and the exhibit(s) attached thereto; and all pleadings, papers and proceedings held in this action, CreditGuard of America, Inc. will move this Court before the Honorable Pamela K. Chen at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, NY at a date to be determined at the discretion of the Court, for an Order:

- (1) pursuant to Fed. R. Civ. P. 11(c), imposing monetary sanctions against Plaintiff as a result of his violation of Fed. R. Civ. P. 11(b);
- (2) pursuant to Fed. R. Civ. P. 11(c), imposing injunctive sanctions against Plaintiff as a result of his violation of Fed. R. Civ. P. 11(b); and
- (3) for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1(b), and in accordance with agreement of the parties on May 6, 2019, Plaintiff shall serve opposition papers,

if any, within fourteen days after the date hereof, and CreditGuard of America, Inc. shall serve reply papers, if any, shall be served within seven (7) days of Plaintiff's service of opposition papers.

Dated: New York, New York
May 6, 2019

KLEIN MOYNIHAN TURCO LLP
Attorneys for CreditGuard of America, Inc.

/s/ Neil E. Asnen
Neil E. Asnen, Esq. (NA 1863)
450 Seventh Avenue, 40th Floor
New York, NY 10123
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent via electronic mail to: **Todd C. Bank,** the Law Office of Todd C. Bank, tbank@toddbanklaw.com, Plaintiff *pro se*, and via first class mail to the Law Office of Todd C. Bank, 119-40 Union Turnpike, Fourth Floor, Kew Gardens, NY 11415, this 6th date of May, 2019.

/s/ Neil E. Asnen

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